

State of Washington
Department of Ecology
Yakima Washington

IN THE MATTER OF APPLICATION FOR CHANGE BY)
TRENDWEST RESORTS, INC. REQUESTING A CHANGE)
IN THE PURPOSE OF USE AND PLACE OF USE) Emergency Drought
OF WATER USE UNDER COURT CLAIM NO. 01685,) Change Authorization
CAUSE NO. 77-2-01484-5)

In accordance with the provisions of RCW 43.83B.405, on March 14, 2001, it was ordered and determined by the Director of the Department of Ecology that the State of Washington is under drought conditions. In accordance with the provisions of WAC 176-166-060, the Department of Ecology is under the terms of this Order, issuing an EMERGENCY DROUGHT CHANGE AUTHORIZATION. The intent of this authorization is to alleviate hardships and reduce the burdens on water users arising from the drought conditions.

Background

Governor Locke authorized the Director of the Department of Ecology to declare a statewide Drought Emergency on March 14, 2001. The Yakima Valley is experiencing severe drought impacts in this 2001 water year. The US Bureau of Reclamation's (Reclamation) May 1 forecast of Total Water Supply Available (TWSA) predicts that the Yakima Project's pro-ratable water right holders are likely to receive only 29% of their full water supply amount this irrigation season.

On June 14, 2001, Roza Irrigation District (RID) filed a Motion before the Yakima County Superior Court requiring water right holders listed in Exhibit 1 of the Motion, to appear in Court on June 28, 2001 and Show Cause why they should not be regulated in favor of RID's senior water right. The Motion was amended to exempt indoor domestic use for human health and sanitation.

The City of Roslyn has a water right junior in priority to the RID. The proposal under this application will offset a portion of the City of Roslyn's impact on the Yakima River and TWSA.

Court Claim 01685, Trendwest Resorts, Inc. (Hartman)

On June 20th, 2001, Trendwest Resorts, Inc. (Trendwest) filed an application to transfer water from Swauk Creek to the Yakima River Trust Water Right Program for the 2001 irrigation season. Trendwest has recently purchased a water right on Swauk Creek. This right, through Court Claim No. 01685, has been confirmed natural flow right from the Swauk Creek, totaling 150 acre-feet per year for the irrigation of 20 acres. This right was confirmed with two priority dates, 1878 for the irrigation of 4.21 acres and 1889 for the irrigation of 15.79 acres. Trendwest proposes to leave all 20 acres fallow during the remainder of the 2001 irrigation season.

The amount of water considered for transfer into the Yakima River Trust Water Program is based on several factors. Consistent with an earlier decision, the drought year adjusted crop irrigation requirement (CIR) for Swauk Creek is estimated to be just under 99% (98.37104%) of the normal year CIR for Ellensburg for pasture.

The 1878-priority Swauk Creek right has full season availability (it's a senior right in the Swauk Creek subbasin), but only for 4.21 acres of irrigation. The crop irrigation requirement from June through September was considered for transfer. The resulting CIR is 27.33 inches per acre or 9.29 acre-feet of water transferable to the state trust water program in Swauk Creek.

The 1889-priority Swauk Creek right is a junior water right, with a predicted availability through July 15, 2001, for 15.79 acres of irrigation. The crop irrigation requirement for June and half of July was considered for transfer. The resulting CIR is 11.27 inches per acre or 14.84 acre-feet of water transferable to the state trust water program in Swauk Creek.

The total amount of water of both rights is 24.43 acre-feet.

The instantaneous flow rate that would deliver 24.43 acre-feet of water, calculated on a continuous flow basis, over the course of 122 days from June 1st through September 30th, is 0.10 cfs. This amount can be applied to continuous instream flow enhancement use in Swauk Creek from June 1 through September 30, 2001, and will offset a portion of the City of Roslyn's impact on TWSA.

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The Bureau of Reclamation has reviewed this proposal and concluded that reservoir and project operations would not be negatively impacted by the proposed transfer. This proposal has also been reviewed and approved by the Conservation Advisory Group.

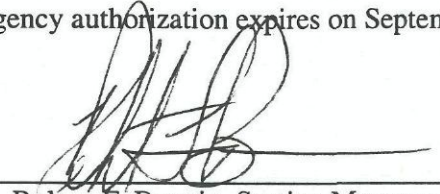
Conclusions and Decision

The proposed change of purpose of use and place of use will not impair existing water rights and is not contrary to the public interest.

This **DROUGHT EMERGENCY CHANGE DECISION** authorizes 24.43 acre-feet of consumptive water use for mitigation of impacts of the consumptive use of water by the City of Roslyn.

This drought emergency authorization expires on September 30, 2001.

APPROVED BY: _____


Robert F. Barwin, Section Manager

DATE: _____

7/9/2001